

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Harriet Menezes
Plaintiff,

v.

C.A. No. 04-10365 JLT

Association of Flight Attendants, CWA,
AFL, CIO, and Karen Scopa, individually
and as President of Association of Flight
Attendants Boston, Sue Cook individually
and as representative Secretary Association
of Flight Attendant Boston and Steve
Fontakis, individually and as Manager at
United Airlines, and Paula DiMartino as
Administrative Supervisor at United
Airlines
Defendants.

**AFFIDAVIT OF FRANK COLOSI IN SUPPORT OF DEFENDANT
PAULA DIMARTINO'S MOTION FOR SUMMARY JUDGMENT**

I, FRANK COLOSI, hereby depose and state the following:

1. I am employed by United Airlines ("United") as Director Labor Relations - Onboard Service. In this role, I have oversight responsibility for the administration of the Collective Bargaining Agreement ("CBA") between United and the Association of Flight Attendants ("AFA"). I have held this position, which was formerly known as Director of Labor Relations - Inflight, and Director People Services - Onboard Service for over 14 years. "Onboard Service" (previously known as "Inflight Services") is the term used at United to refer to matters relating to United's workforce of flight attendants. Previously, I also held, for a total of about 13 years, the positions of Supervisor and then Manager of Crew Resources. In those positions, my responsibilities included grievance administration under the United-AFA CBA, flight attendant crew scheduling, and general administration of the United-AFA CBA.

2. I have been employed by United for a total of approximately 35 years, almost 28 of which have involved responsibility for employee or labor relations relating to Onboard or Inflight Services and the United-AFA CBAs.

3. I make this affidavit based on personal knowledge and my review of United's business records kept in the regular and ordinary course of business.

4. United is a corporation organized and existing under the laws of the State of Delaware, and has its principal office and place of business located in Elk Grove, Illinois. United is a common carrier by air engaged in domestic and international commerce.

5. Harriet Menezes began her employment with United as a Flight Attendant on April 17, 1999.

6. United offers family and medical leave benefits, above and beyond what it is required to provide under the federal law, to eligible flight attendants. A copy of the United Flight

Attendant Family & Medical Leave Policy ("United FML policy") is attached hereto as Exhibit

A. United offers this benefit to flight attendants even though they typically do not work more than 1250 hours in a 12 month period and are, therefore, not covered by the federal Family and Medical Leave Act.

7. As of September 1, 2002, Menezes worked 693.37 hours in the previous 12 months.

8. As mandated by the Railway Labor Act, the CBA establishes certain Grievance Procedures. The Grievance Procedures of the CBA, in cases of discharge resulting from dues delinquency, are set forth in Section 30. Relevant excerpts from the CBA are attached hereto as Exhibit B.

9. On November 19, 2003, more than two months after she received notice of her termination, Ms. Menezes sent me a letter dated September 29, 2003 requesting an appeal. A copy of Ms. Menezes' letter is attached hereto as Exhibit C. I notified Ms. Menezes in writing on

January 15, 2004, that I was denying appeal as untimely. A copy of my January 15, 2004 letter is attached hereto as Exhibit C.

10. United has never received a Charge of Discrimination from the Massachusetts Commission Against Discrimination concerning Ms Menezes.

11. United has never received a Charge of Discrimination from the Equal Employment Opportunity Commission concerning Ms. Menezes.

/s/ Frank Colosi
FRANK COLOSI

STATE OF ILLINOIS
COUNTY OF KANE

Subscribed and sworn to before me this 22nd day of September, 2004.

/s/ Sarah Voss
NOTARY PUBLIC
My Commission Expires: 7/29/05